

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Status of Claims

Claims 1-26 are currently pending in the application of which claims 1, 11, 15, 22, 25 and 26 are independent. Claims 1-26 were rejected.

In the amendments above, claims 1, 11, 15, 16, 22, 25, and 26 were amended. Support for the amendments in independent claims 1, 11, 15, 22, 25, and 26 may be found in the specification, at least on page 11, lines 3-7 and page 13, lines 27-31, which discloses that the server 102 transmits the control data set 126 to the viewing units 106, then the viewing units 106 uses the control data set to access the locally stored data 124 to recreate a summarized video subclip corresponding to that at the server 102. Claim 16 was amended to provide proper antecedent basis for elements in the claim.

No new matter has been introduced by the amendments above. Entry thereof is therefore respectfully requested.

Summary of the Office Action

Claims 1-26 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S Patent Application Publication No. 2003/0206182 to Kelly et al. (hereinafter "Kelly") in view of US Patent No. 6,496,780 to Harris et al. (hereinafter "Harris").

The rejection above is respectfully traversed for at least the reasons set forth below.

Drawings

The indication that the Drawings submitted on July 29, 2003 have been approved is noted with appreciation.

Information Disclosure Statement

The indication that the documents cited in the Information Disclosure Statement submitted on July 29, 2003 have been considered is hereby acknowledged with appreciation.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual

inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

- **Claims 1-26:**

Claims 1-26 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kelly in view of Harris. This rejection is traversed for at least the following reasons.

- Independent Claim 1:

Independent claim 1 recites (emphasis added):

iii) automatically generating a control data set representing the derived visual pictorial data and corresponding to operations to be

performed by a processing means to create the derived visual pictorial media data;

iv) transmitting the control data set from the first network element to the second network element via the network;

v) accessing the local visual pictorial media data stored on the second network element in response to the control data set;

vi) recreating the derived visual pictorial data with a processing means of the second network element by use of the control data set and the local visual pictorial media data stored on the second network element; and

vii) displaying the local recreated derived visual pictorial media data ...

The combination of Kelly in view of Harris fails to teach or suggest at least the claimed features recited above for at least the following reasons.

Kelly discloses in Figs. 1 and 3 a system and method for generating a weather-report presentation that combines information of the weather condition and a video image of the sky conditions (See paragraph [0001]). More specifically, the system in Fig. 1 of Kelly includes weather stations 18, radar 19, satellites 20, a video camera 24, processor 12, and a broadcast system 28. Initially, the system in Kelly obtains the weather condition information from the weather stations 18, radar 19, and satellites 20 (See paragraph [0022] and step 64 in Fig. 3). The system in Kelly also obtains a video of the sky from the video camera 24 (See paragraph [0024] and step 62 in Fig. 3). The processor 12 scales the time of the video with the weather information so that the weather information synchronizes with the video images (See paragraph [0038] and step 66 in Fig. 3). The processor 12 combines the weather information with the video images and transmits the combined presentation directly to the broadcast system 28 in Fig. 1 to display the combined presentation (See paragraph 28, 40, and 41 and steps 70 and 72 in Fig. 3).

As such, Kelly fails to teach or suggest “generating a control data set representing the derived visual pictorial data and corresponding to operations to be performed by a processing

means to create the derived visual pictorial media data” and “transmitting the control data set from the first network element to the second network element,” as recited in step (iii) of claim 1. In Kelly, no control data sets are being generated or transmitted to the broadcasting system 28. Rather, in Kelly, the weather condition is recorded (step 64); the video images of the sky are recorded (step 62); then the combination thereof is sent directly to the broadcasting system 28 (step 70). Thus, the system of Kelly sends the originally recorded sky images directly to the broadcasting system 28 without creating a derived version thereof or a portion thereof, or generating a control data set that represents the derived version, as recited in claim 1. Furthermore, the system of Kelly transmits the recorded sky images, not a control data set that represents a portion of those sky images, to the broadcasting system 28. In contrast, in claim 1, it is the control data set, not the pictorial media data, that is transmitted to the second network element. Therefore, Kelly fails to teach or suggest generating and transmitting a control data set representing a derived pictorial data and corresponding to the operations to be performed by the second network element, as recited in claim 1.

In the rejection of claim 1, the Office Action asserts that the weather condition information in step 64 of Fig. 3 of Kelly is the control data set recited in claim 1. However, that assertion is respectfully traversed. The weather condition information is merely data of the weather. As such, the recorded weather information does not include information corresponding to operations of a processor in the broadcast system 28. Therefore, in contrast to the assertion in the Office Action, the recorded weather condition information in step 64 of Fig. 3 in Kelly is not the same as or equivalent to the “control data set” recited in claim 1.

In addition, Kelly fails to teach or suggest “accessing the local visual pictorial media data stored on the second network element in response to the control data set” and “recreating the derived visual pictorial data with a processing means of the second network element by use of the control data set and the local visual pictorial media data stored on the second network element” as recited in steps (v) and (vi) of claim 1. Rather, as discussed above, Kelly simply describes that the combined presentation is transmitted to the broadcast system 28 and displayed as part of a televised weather report presentation in step 72 (See paragraphs [0028] and [0041]). Thus, the broadcasting system 28 of Kelly broadcasts the combined presentation without accessing any locally stored pictorial media data, as recited in step (v) of claim 1. Furthermore, Kelly also fails to teach or suggest using a received control data set and locally stored pictorial media data to recreate a derived visual pictorial data, as recited in step (vi) of claim 1.

In the rejection of claim 1, the Office Action asserts that steps 66, 68, 70 and 72 in Fig. 3 of Kelly are the “recreating” step of claim 1 (See *Office Action*, page 3, lines 4-8). However, that assertion is respectfully traversed because there is no teaching or suggestion in steps 66, 68, 70, and 72 for recreating the combined presentation by use of a control data set. The Office Action fails to specifically point out which feature in Kelly is a control data set being used to recreate the combined presentation.

Finally, the Office Action admits that Kelly fails to teach or suggest transmitting the combined presentation via a network. As a result, the Office Action uses Harris as the teaching of transmitting weather images over a network (See *Office Action*, page 3). However, Harris fails to teach or suggest any of the aforementioned features recited in steps (iii), (iv), (v) and (vi) of claim 1. Therefore, Harris fails to cure the deficiencies of Kelly.

For at least the foregoing reasons, the Office Action has failed to establish that independent claim 1 is *prima facie* obvious in view of the combined disclosures contained in Kelly and Harris, as proposed in the Office Action. Therefore, withdrawal of the rejection of independent claim 1 and allowance of the claim is respectfully requested.

○ Independent Claims 11, 15, 22, 25, and 26:

Independent claims 11, 15, 22, 25, and 26 recite features similar to those of independent claim 1 as discussed above. Thus, independent claims 11, 15, 22, 25, and 26 are believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above. It is therefore respectfully requested that the rejection of independent claims 11, 15, 22, 25, and 26 be withdrawn, and these claims be allowed.

○ Dependent Claims 2-10, 12-14, 16-21, 23, and 24:

Claims 2-10, 12-14, 16-21, 23, and 24 are dependent from independent claims 1, 11, 15, and 22. Thus, they are believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claims 1, 11, 15, and 22 above. It is therefore respectfully requested that the rejection of claims 2-10, 12-14, 16-21, 23, and 24 be withdrawn, and these dependent claims be allowed.

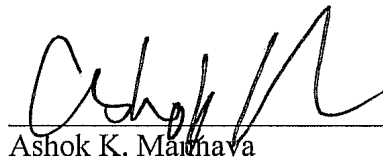
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

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By



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